

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BUILDING SERVICE 32B-J BENEFIT FUNDS,	:	
	:	
Plaintiffs,	:	
	:	07 Civ 8381 (HB)
-against-	:	
	:	<u>STATEMENT OF</u>
	:	<u>MATERIAL FACTS</u>
GCA SERVICES GROUP, INC.	:	
	:	
Defendant.	:	
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Plaintiffs, by their attorneys, submit the following Statement of Material Facts pursuant to the Rules of the Southern District of New York:

1. Defendant was party to a collective bargaining agreement with Local 32BJ SEIU, covering the terms and conditions of employment of Defendant's cleaning employees at St. John's University (Exhibit A).

2. The agreement required Defendant to make contributions on behalf of its covered employees for Health, Pension, Legal, Training, and Supplemental retirement benefits.

3. The contributions were made quarterly, with payments due in the month following the end of each quarter, along with remittance reports. (Melendez affidavit)

4. All contributions were on behalf of those covered employees who worked in the preceding three month period. Contributions for Pension and Supplemental Retirement benefits were retroactive, and for Health Legal and Training benefits were in advance. (Melendez affidavit).

5. Defendant's service cleaning contract with St. John's was terminated August 1, 2007. Defendant's contributions due in July, 2007 for its employees who worked in April, May, and June, 2007 were not paid. (Melendez affidavit)

6. Defendant owes Pension and Supplemental Retirement contributions for April, May, June and July 2007; and Health, Legal and Training contributions for July 2007.


7. Defendant did not file reports with its contributions in January, 2007 for the October-December, 2006 quarter. The Funds determined that it underpaid for that quarter.

8. Defendant owes \$291,835.83 in unpaid principal contributions.

9. The Funds' Trust Agreements provide for interest on unpaid contributions at 6% per annum and liquidated damages at 2% per month.

Dated: New York, New York
March 6, 2008

Raab, Sturm, Goldman & Ganchrow LLP

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